

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

**IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

**Civil Action No.
03 MDL 1570**

-----X

This document relates to:

Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03-cv-9849 (GBD)(SN) (S.D.N.Y.)

Thomas E. Burnett, Sr., et al. vs. Islamic Republic of Iran, et al., Case No. 15-CV-9903 (GBD)(SN) (S.D.N.Y.)

**MOTION TO SUBSTITUTE PARTIES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 15(d)**

Pursuant to Federal Rule of Civil Procedure 15(d), Plaintiffs herein move the Court to allow substitution of the following parties in the above referenced actions. The individuals being substituted into the case were identified as “DOE” plaintiffs at the time that the cases were initially instituted; were identified as such in the initial pleadings; and have since consented to being named in the Complaints according to their legal name.

The following chart demonstrates the manner in which these individuals were previously named in the Complaints and also identifies how they wish to proceed going forward:

| Identification of Party to be Substituted | State of Residency at Filing | Reference to Plaintiff in ECF No. 53 (15-cv-9903) and ECF No. 29 (02-cv- 1616 (D.D.C.)) | Paragraph of Complaint Discussing Party |
|---|-------------------------------------|--|--|
| KATHLEEN ELIZABETH COMER, in her own right as the Child of Ronald E. Comer, Deceased | NY | CHILD DOE AP135 in their own right as the Child of DOE AP135, Deceased / DAUGHTER DOE # 63 (AP135), in her own right as the Daughter of DECEDENT DOE # 63, | ECF No. 53 (15-cv- 9903) at ¶188; ECF No 26 (02-cv-1616 (D.D.C.) at ¶¶2454- 55 |

| | | | |
|--|--------------------------|---|---|
| | | Deceased | |
| CHRISTOPHER BARNES REINIG, in his own right as the Child of Thomas Barnes Reinig, Deceased | Australia (U.S. Citizen) | CHILD DOE AP50 in their own right as the Child of DOE AP50, Deceased / SON DOE #24 (AP50), in his own right as the Son of DECEDENT DOE # 24, Deceased | ECF No. 53 (15-cv-9903) at ¶212; ECF No 26 (02-cv-1616 (D.D.C.) at ¶780 |

Plaintiffs propose that, upon endorsement of Plaintiffs' Proposed Order, the substituted parties would be individually entered as Plaintiffs into the Court's ECF system to ease the burden on the Clerk of the Court's Office and based on the size of this MDL.

Dated: October 12, 2021

Respectfully submitted,

/s/ John M. Eubanks

Jodi Westbrook Flowers, Esq.

Donald A. Migliori, Esq.

Michael Elsner, Esq. (NY Bar #ME8337)

Robert T. Haefele, Esq. (NY Bar #RH2811)

Elizabeth Smith, Esq.

John M. Eubanks, Esq.

MOTLEY RICE LLC

Mount Pleasant, SC 29464

Telephone: (843) 216-9000

Facsimile: (843) 216-9450

jflowers@motleyrice.com

dmigliori@motleyrice.com

melsner@motleyrice.com

rhaefele@motleyrice.com

esmith@motleyrice.com

jeubanks@motleyrice.com

COUNSEL FOR PLAINTIFFS